

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In Re:

**WILLIAM JC CLEM JR
TRACI LYNNE CLEM**

Debtors.

**Case No. 13-13261-NLJ
Chapter 13**

**TRUSTEE'S OBJECTION TO CLAIM NUMBER 3 WITH
NOTICE OF REQUIRED RESPONSE AND NOTICE OF OPPORTUNITY
FOR HEARING COMBINED WITH NOTICE OF HEARING DATE**

COMES NOW, John Hardeman, Chapter 13 Trustee ("Trustee"), and pursuant to 11 U.S.C. Section 502, Rules 3001 and 3007 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 3007-1, objects to Claim Number 3 filed by COMPASS BANK in the amount of \$20,704.58 based on the following:

Rule 3001(d) of the Federal Rules of Bankruptcy Procedure provides that if a claim includes an assertion of a security interest in property of a debtor, the claim must be accompanied by evidence that the security interest has been perfected. COMPASS BANK filed a secured claim, but failed to attach evidence of perfection of its claimed security interest. As a result, the Claim should be disallowed as a secured claim and allowed only as an unsecured claim.

WHEREFORE, the Trustee respectfully requests that Claim Number 3 filed by COMPASS BANK in the amount of \$20,704.58 be disallowed as a secured claim and allowed only as an unsecured claim.

**NOTICE OF OPPORTUNITY FOR HEARING
AND NOTICE OF REQUIRED RESPONSE**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response to the requested relief within the time allowed under Local Rule 9013-1.D. The response must be filed with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response to the undersigned movant (and others who are required to be served) and file a certificate of service with the Court. If no response is timely filed, the Court may grant the requested relief without a hearing or further notice pursuant to Local Rule 9013-1.E. **The 14 day response period provided by Local Rule 9013-1.D. includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

**NOTICE OF HEARING
(TO BE HELD ONLY IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the Trustee's Objection to Claim is filed, the hearing on the Objection to Claim shall be held on January 28, 2014, at 9:45 a.m., in the Second Floor Courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the Court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

Respectfully Submitted,

s/John Hardeman

John Hardeman, Trustee
321 Dean A. McGee Avenue
PO Box 1948
Oklahoma City, OK 73101
13trustee@chp13okc.com
Tel: (405) 236-4843
Fax: (405) 236-1004

CERTIFICATE OF MAILING

This is to certify that on the December 16, 2013, a true and correct copy of the foregoing document was served by U.S. Mail, first class, postage prepaid, on the following:

WILLIAM JC CLEM JR
TRACI LYNNE CLEM
PO BOX 128
RANDLETT, OK 73562

COMPASS BANK
PO BOX 201347
ARLINGTON, TX 76006

s/John Hardeman

John Hardeman, Trustee

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